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9 **BEFORE THE HEARING EXAMINER FOR THE CITY OF RENTON**

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12 RE: 168 Development)
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14) FINDINGS OF FACT, CONCLUSIONS OF
15) LAW AND RECOMMENDATION
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19 Rezone, Preliminary Plat, Site Plan and
20 Street Improvement Waivers)
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LUA15-000745

17 **I. SUMMARY**

18 The applicant is requesting approval of a site specific rezone, 4-lot short plat, site plan review, and two
19 street waivers/modifications for the construction of three new townhomes with two dwelling units in
20 each. The City Council has final review authority over these applications because it is required by state
21 law to make the final decision on rezone requests and the remaining applications have been
22 consolidated with the rezone request. The project site is 0.75 acres in area and is currently developed
23 with one single family home located at 16826 108th Ave SE. The requested rezone is from R-10 to R-
24 14 for the back-end (away from the street frontage) of the project site and only constitutes
25 approximately 11% of the total project area. The staff report notes that the rezone would not increase
26 the number of residential units allowed within the development, but would reallocate the residential
density and unit types, thus enabling the applicant to keep the current single-family residence in its
current location. The remaining project site is already zoned R-14. It is recommended that the City
Council approve the rezone and associated project applications subject to conditions.

II. TESTIMONY

Clark Close, Renton planner, summarized the proposal.

III. EXHIBITS

The 29 exhibits identified at page 2 of the May 17, 2016 staff report were admitted into the record during the hearing. The staff power point was admitted as Exhibit 30. City of Renton GIS maps located at the City's website were admitted as Exhibit 31. Google maps for the vicinity were admitted as Exhibit 32.

IV. FINDINGS OF FACT

Procedural:

1. Applicant/Owner. Steve Wu is the applicant. Zhao Su & Ying Wei are the owners of the subject property.

2. Hearing. A hearing on the subject applications was held at noon on May 17, 2016 in the Renton City Council meeting chambers.

Substantive:

3. Project Description. The applicant is requesting approval of a site specific rezone (R10 to R14), 4-lot short plat, site plan review, and two street waivers for the construction of three new townhomes to a 0.75-acre site that is currently developed with one single family home located at 16826 108th Ave SE. The existing single-family home would be retained in-place along 108th Ave SE. The site is located within the Residential-14 (R-14) and Residential-10 (R-10) zoning districts. The project site is currently composed of two parcels and the smaller of the two (3,751 square feet in area) is the portion currently zoned R-10 and subject to the rezone request to R-14. The proposed residential lots range in size from 4,125 SF to 9,269 SF in area with an average lot size of 6,180 SF. The site would also contain a common area tract and a shared driveway tract. With a maximum of two dwelling units per townhome, the residential density is 11.7 dwelling units per net acre. Access to the site would be from a single shared driveway access along the south property line from 108th Ave SE.

The applicant's street waiver/modification requests are more specifically described as follows:

1 A. Street Frontage Waiver. The applicant is requesting a modification from RMC 4-6-
2 060F.2 “Minimum Design Standards Table for Public Streets and Alleys” in order to
3 keep the existing 108th Avenue SE right-of-way improvements including
4 approximately 22-foot pavement width from the roadway centerline, 0.5-foot curb and
5 gutter, and 5-foot sidewalk in place rather than installing a new planter strip for trees
6 between the curb and new sidewalk along the project frontage. In addition, the existing
7 configuration allows the existing curb line to remain consistent with the surrounding
8 street configuration.

9 108th Avenue SE is a Minor Arterial with an existing ROW width of 60 to 61 feet (as
10 per assessor map). This street classification requires a minimum right-of-way width of
11 91 feet. To meet the City’s complete street standards for 108th, half street
12 improvements include 27-foot paved roadway, 8-foot planter strip and 8-foot sidewalk
13 along with a minimum right of way dedication of 15.5 feet per City Code 4-6-060.

14 B. Shared Driveway Modification. The applicant is requesting a modification from RMC
15 4-6-060J.1 “Shared Driveway Standards – When Permitted” in order to extend the
16 length of the shared driveway more than 200 feet in length. The proposal is compliant
17 with the following modification criteria, pursuant to RMC 4-9-250D, if all conditions
18 of approval are met.

19 4. Surrounding Area. The subject site is surrounded on all sides by single family residential
20 development. As shown in the aerial photograph of Page 1 of the staff report, high density single-
21 family development with no or narrow setbacks is located on adjoining parcels to the north (zoned R-
22 10) and south (zoned R-14). Detached single family homes are located to the east (zoned R-10) and
23 west (zoned R-14).

24 5. Adverse Impacts. The proposed rezone, site plan and preliminary short plat do not create any
25 significant adverse environmental impacts. The proposal will be served by adequate/appropriate
26 infrastructure as determined in Finding of Fact No. 6. Impacts are more specifically addressed as
follows:

27 A. Critical Areas. There are no critical areas or other natural systems on site.

28 B. Compatibility. The proposal is compatible with surrounding uses. The proposed
29 upzone is appropriate for its location, as the parcel is a small portion of a larger
30 subdivision that is predominantly already zoned R-14. The staff report notes that the
31 rezone would not increase the number of residential units allowed within the
32 development, but would reallocate the residential density and unit types. The rezone
33 proposal would allow the applicant to retain the existing single family home along 108th

Ave SE, which would allow the existing home to serve as visual buffer for the single-family homes located on the west side of 108th Ave SE.

The overall subdivision adjoins three story high density development with little or no setbacks to both the south and north. The parcels to the east are less dense detached dwellings, but the proposed development would be consistent with the higher density development that is already in view from those single-family homes to the south and north of the project site.

C. Views. The landscape of the areas is relatively flat with large trees and heavy vegetation restricting visibility from and through the site. The 3-story apartments to the north and the 3-story condominiums to the south also restrict views from and through the property. The proposed structures would not block view corridors to shorelines or Mt. Rainier. Therefore, the proposed heights of the structures are appropriate for this situation and will not materially affect the views of surrounding properties.

D. Aesthetics. The proposal does not create any significant adverse aesthetic impacts, because as conditioned it is consistent with the City's design and landscaping standards as outlined in Finding of Fact No. 21 and 22.

E. Lighting. As conditioned, the proposal's lighting will not adversely affect surrounding properties. A lighting plan was not provided with the application; therefore, a condition of approval requires that a lighting plan that adequately provides for public safety without casting excessive glare on adjacent properties be submitted at the time of engineering permit review.

F. Vegetation. The proposed elimination of vegetation is not deemed to be significantly adverse as the applicant will be complying with the City's tree retention standards, the only vegetation retention standards applicable to the project. As outlined in Finding of Fact No. 21 of the staff report, the City's tree retention standards require the retention of three significant trees and the applicant exceeds this standard by retaining five significant trees.

6. Adequacy of Infrastructure. Adequacy of Infrastructure/Public Services. The project will be served by adequate infrastructure and public services as follows:

A. Water and Sewer Service. Water and sanitary sewer service for the development would be provided by the Soos Creek Water and Sewer District.

B. Fire Protection. Fire protection would be provided by the City of Renton Fire Department.

1 C. Drainage. In conjunction with the City's stormwater regulations, the proposal mitigates all
2 significant drainage impacts. The applicant has submitted a Technical Information Report
3 ("Drainage Report", Ex. 21) that evaluates and proposes a preliminary stormwater system
4 design. The Drainage Report proposes two stormwater facilities. A detention vault (Vault
5 #1) is proposed between the western two townhomes (Exhibit 15). This vault is intended to
6 provide the required flow control for the impervious roofs of the townhomes. A combination
7 detention/wet vault (Vault #2) is proposed under the access roadway south of the existing
8 house and the westernmost townhome (Exhibit 16). This vault is intended to provide
detention for the remainder of the parcel and Basic Water Quality for the pollution
generating impervious surface. Public works staff will require conformance of the final
stormwater system design to City stormwater standards as a part of final plat review.

9 D. Parks/Open Space. The project provides for adequate parks and open space. For parks
10 impacts, the applicant will be paying a park impact fee due at the time of building permit
11 issuance. No on-site park is required under the city's park and open space standards because
the development is less than 10 net acres in size. See RMC 4-2-115(E)(2).

12 As conditioned, the proposal will satisfy applicable open space requirements. As proposed
13 without the conditions, the proposal fails to meet open space requirements. A 25.94' by 44'
14 (1,141 sf) common open space tract, located above one of the stormwater vaults, is proposed
15 for common open space that is easily accessible within the short plat. The development
16 includes a total of 7 units, which would require 2,450 square feet of common open space
17 pursuant to RMC 4-2-115(E)(2), which requires 350 square feet of open space per dwelling
18 unit. Additional area from Lot 2 and Lot 3 could satisfy this requirement. A condition of
19 approval requires that the applicant provide a revised site plan demonstrating compliance
20 with the 350 square feet per unit requirement. Beyond the deficit in amount of open space,
21 the type and design of open space satisfies applicable requirements as outlined at p. 15 of
22 the staff report.

23 E. Pedestrian Circulation. As noted in Finding of Fact No. 3, the applicant is requesting a
24 modification from RMC 4-6-060F.2 "Minimum Design Standards Table for Public Streets
25 and Alleys" in order to keep the existing 108th Avenue SE right-of-way improvements as
26 is. Beyond this, the proposal provides for adequate/appropriate pedestrian circulation as
required by the City's design and open space standards, RMC 4-2-115. Pedestrian entry and
access from 108th Ave SE, to the short plat, would be provided via a 4-foot wide sidewalk
along the shared driveway frontage. The sidewalk would be located across the front of each
lot and would provide a pedestrian connection to each structure. Pedestrian sidewalks, as
well as private pedestrian connections throughout the property, are proposed for safe and
efficient pedestrian access throughout the site. Connections would also be provided between
the proposed structures and the common open space tract. In order to ensure a safe
delineation of the sidewalks, a condition of approval requires that the pedestrian sidewalks

1 and private entry sidewalks be constructed using concrete or a different type of material than
2 the shared driveway.

3 F. Traffic Improvements. The proposal is served by adequate and appropriate traffic
4 infrastructure.

5 Off-site traffic impacts will be addressed through the payment of traffic impact fees due at
6 the time of building permit issuance. Public works staff did not find that applicable
7 regulations required any traffic impact analysis conducted for the levels of traffic generated
8 by the proposal. Public Works staff has reviewed the preliminary traffic circulation and
9 proposed street improvements and found them to be consistent with City street standards
10 subject to approval of the requested street waivers. Staff have also found the proposed
11 vehicular circulation to be safe and efficient as conditioned.

12 G. Bicycles. The provision provides for adequate bicycle facilities by complying with
13 applicable bicycle standards. Per RMC 4-4-080F.11.a bicycle parking spaces are required
14 for residential developments that exceed five (5) residential units. Attached units are required
15 to provide one-half (0.5) bicycle parking space per one dwelling unit. Spaces shall meet the
16 requirements of 4-4-080F.11.c. The garages to each unit should be able to meet the bicycle
17 parking requirement. A condition of approval requires the applicant to provide floor plans
18 that identify adequate bicycle parking of one-half space per dwelling unit.

19 H. Schools. The proposal provides for adequate/appropriate school facilities and safe walking
20 conditions to and from school. The staff report notes that it is anticipated that the Renton
21 School District can accommodate any additional students generated by this proposal at the
22 following schools: Cascade Elementary, Nelsen Middle School and Lindbergh High School
23 (Exhibit 24). A School Impact Fee, based on new multi-family lots, would be required in
24 order to mitigate the proposal's potential impacts to the Renton School District. The fee is
25 payable to the City as specified by the Renton Municipal Code. Currently the fee is assessed
26 at \$1,385.00 per multi-family unit with credit given for the existing residence.

Any new high school students from the proposed development would be bussed to their
schools. The bus stop to the high school is located approximately 0.1 miles from the project
site at 108th Ave SE & SE 170th St. Students would walk south along 108th Ave SE, along
the existing sidewalk to SE 170th St. Students to the elementary and middle schools would
be within walking distance. Safe walking routes exist from the site to Cascade Elementary
by walking on public sidewalks. The route begins by walking north on 108th Ave SE, turning
east on SE 168th St and finally walking north on 116th Ave SE (approximately 1 mile). Safe
walking routes to Nelsen Middle School by walking on public sidewalks and wide shoulders.
The route begins by walking north on 108th Ave SE, east on S 29th St and north again on
108th Ave SE (approx. 0.5 miles).

1 **CONCLUSIONS OF LAW**

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3 1. Authority. RMC 4-8-080(G) classifies a rezone request as a Type IV application, which

4 requires the hearing examiner to make a recommendation to the City Council after holding a public

5 hearing. The short subdivision application request is classified as a Type II application by RMC 4-8-

6 080(G) and the modification requests as Type 1 applications. RMC 4-8-080(C) authorizes multiple

7 permit applications to be consolidated under the highest number review classification, which in this

8 case would be Type IV review. The staff report doesn't identify whether the applicant has opted for

9 consolidated review, but given that the subject permits have all been submitted to the hearing examiner

for review it is presumed that option has been exercised. As a result of consolidation, the rezone

application, short plat and modification requests are all subject to Type IV review.

10 2. Zoning/Comprehensive Plan Designations. The entire project site has a comprehensive plan

11 land use map designation of Residential High Density. The larger of the two parcels of the site is

zoned R-14 and the smaller parcel is zoned R-10.

12 3. Review Criteria. RMC 4-7-070 governs the criteria for short plat review. The street standard

13 waiver¹ is subject to RMC 4-9-250(C) and the street standard modification is subject to RMC 4-9-

14 250(D). Rezone standards are subject to RMC 4-9-180(F)(2). Site plan review is governed by RMC

15 4-9-200(E)(3). Applicable standards are quoted below in italics and applied through corresponding

conclusions of law.

16 **REZONE CRITERIA**

17 **RMC 4-9-180(F)(2)(a):** *The rezone is in the public interest, and*

18 4. The criterion is met. The proposal is clearly within the public interest. The proposal facilitates

19 development of the project site with no significant impacts to adjoining properties. As determined in

20

21

22 ¹ The staff report processes the street frontage waiver as a modification pursuant to RMC 4-9-250(D). The RMC 4-

23 9-250(D) process generically authorizes modifications to "standards" without limitation as to scope. RCW 4-9-250

24 (C) authorizes waivers only to street standards. Since 4-9-250(C) is more specific in scope, it is construed as the

25 review process that should first be applied to requests to waive street standards. The courts require that a specific

26 statute will supersede a general statute when both apply. *See Kustura v. Washington State Dept. of Labor and*

Industries, 169 Wn.2d 81 (2010). If a proposed modification to street standards doesn't meet the street waiver criteria,

then the more general modification standards of RMC 4-9-250(D) can be applied, as was found necessary for this

project since the requested waiver of shared driveway length standards didn't qualify or a waiver under RCW 4-9-250

(C).

1 Finding of Fact No. 3 and 5, the rezone is for a nominal area and is fully compatible with the
2 surrounding area and will not result in any increase in dwelling units on the project site.

3 **RMC 4-9-180(F)(2)(b):** *The rezone tends to further the preservation and enjoyment of any substantial*
4 *property rights of the petitioner, and*

5 5. The criterion is met. As explained in the staff report, the nominally sized parcel that is the
6 subject of the rezone was the result of an adverse possession action. The result of that adverse
7 possession action was the likely reason why the lot subject to the rezone request is landlocked with
8 zoning that is inconsistent with the lot that separates it from its only available access road, 108th Ave
SE. Approval of the rezone will enable the parcel to be zoned the same as the rest of the development
proposal in a logical and efficient manner, thereby furthering the preservation and enjoyment of the
property owner's ability to develop the property in a reasonable manner.

9 **RMC 4-9-180(F)(2)(c):** *The rezone is not materially detrimental to the public welfare of the properties*
10 *of other persons located in the vicinity thereof, and*

11 6. The criterion is met. As determined in Finding of Fact No. 5, the rezone request will not create
12 any significant adverse impacts. Therefore, the proposal is not considered to be materially detrimental
to the public welfare of the properties of other persons located in the vicinity.

13
14 **RMC 4-9-180(F)(2)(d):** *The rezone meets the review criteria in subsection F1 of this Section.*

15 7. The criterion is met. The proposal is consistent with all standards imposed by subsection F1.
16 Subsection F1 requires consistency with the comprehensive plan. For the reasons identified Finding
17 of Fact No. 19 of the staff report, the proposal is consistent with the comprehensive plan. Subsection
18 F1 also requires either that (1) the subject property was not specifically considered in the last area land
19 use analysis and area zoning or (2) that circumstances have significantly changed since the most recent
20 zoning of the area. The staff report notes that the rezone of the property was not considered in the last
21 rezone of the area, which was done in 2015. Finally, Subsection F1 requires that the rezone "*meet the*
22 *review criteria in RMC 4-9-020*". RMC 4-9-020 sets the review criteria for comprehensive plan
23 amendments. The comprehensive plan criteria focus upon impacts to growth rates, adequacy of public
infrastructure, consistency with comprehensive plan objectives and impacts upon environmentally
sensitive areas. Since the proposed rezone will not result in any increase in the number of dwelling
units, will not adversely affect any environmentally sensitive areas and will not adversely affect
surrounding properties, it should not have any materially adverse impact to any of the factors required
to be addressed during comprehensive plan review and is therefore considered to be consistent with the
comprehensive plan criteria of RMC 4-9-020.

24 **PRELIMINARY SHORT PLAT CRITERIA**

RMC 4-7-070(B): *A short plat shall be consistent with the following principles of acceptability:*

- 1. Legal Lots: Create legal building sites which comply with all provisions of the City Zoning Code.*
- 2. Access: Establish access to a public road for each segregated parcel.*
- 3. Physical Characteristics: Have suitable physical characteristics. A proposed short plat may be denied because of flood, inundation, or wetland conditions. Construction of protective improvements may be required as a condition of approval, and such improvements shall be noted on the final short plat.*
- 4. Drainage: Make adequate provision for drainage ways, streets, alleys, other public ways, water supplies and sanitary wastes.*

8. The criterion is met. The lots proposed by the applicant meet all applicable zoning standards as outlined in Finding of Fact No. 21 of the staff report if the requested rezone is approved. As shown in the site plan, Ex. 9, each of the proposed four lots have access to 108th Ave SE via an internal shared driveway. There are no critical areas or any other physical characteristics of the property that make it unsuitable for development. The proposal provides for adequate infrastructure as required above as determined in Finding of Fact No. 6.

RMC 4-7-070(H)(3): *If the Administrator finds that the proposed plat makes appropriate provisions for the public health, safety, and general welfare and for such open spaces, drainage ways, streets, alleys, other public ways, water supplies, sanitary wastes, parks, playgrounds, sites for schools and school grounds and all other relevant facts and that the public use and interest will be served by the proposed short plat, then it shall be approved. The applicant shall be notified in writing of the decision.*

9. The criterion is met. The proposal provides for adequate/appropriate infrastructure as required above as determined in Finding of Fact No. 6. The proposal makes appropriate provision for public health, safety and welfare and the public use and interest will be served because it enables reasonable use of land without any corresponding significant adverse impacts to public infrastructure, surrounding properties or the environment as determined in Finding of Fact No. 5.

SITE PLAN

RMC 4-9-200(E)(3): Criteria: *The Administrator or designee must find a proposed project to be in compliance with the following:*

a. Compliance and Consistency: Conformance with plans, policies, regulations and approvals, including:

i. Comprehensive Plan: The Comprehensive Plan, its elements, goals, objectives, and policies, especially those of the applicable land use designation; the Community Design Element; and any applicable adopted Neighborhood Plan;

ii. Applicable land use regulations;

1 *iii. Relevant Planned Action Ordinance and Development Agreements; and*

2 *iv. Design Regulations: Intent and guidelines of the design regulations located in RMC 4-*
3 *3-100.*

4 10. The criterion is met. The proposal is consistent with applicable comprehensive plan policies
5 and zoning regulations as outlined in Findings of Fact No. 19 and 21 of the staff report. The design
6 guidelines of RMC 4-3-100 do not apply to projects in the RM-14 zone. See RMC 4-3-100(B)(1)(b).
7 However, RMC 4-2-115 does impose design standards to residential development in the RM-14 zone.
8 Since RMC 4-2-115 qualifies as a “land use regulation”, the applicant must establish consistency for
9 site plan approval. For the reasons identified in Finding of Fact No. 22 of the staff report, the proposal
10 is consistent with the design standards of RMC 4-2-115. The proposal is not subject to a planned action
11 ordinance or development agreement.

9 **RMC 4-9-200(E)(3)(b): Off-Site Impacts: Mitigation of impacts to surrounding properties and**
10 **uses, including:**

11 *i. Structures: Restricting overscale structures and overconcentration of development on a*
12 *particular portion of the site;*

13 *ii. Circulation: Providing desirable transitions and linkages between uses, streets,*
14 *walkways and adjacent properties;*

15 *iii. Loading and Storage Areas: Locating, designing and screening storage areas,*
16 *utilities, rooftop equipment, loading areas, and refuse and recyclables to minimize views*
17 *from surrounding properties;*

18 *iv. Views: Recognizing the public benefit and desirability of maintaining visual*
19 *accessibility to attractive natural features;*

20 *v. Landscaping: Using landscaping to provide transitions between development and*
21 *surrounding properties to reduce noise and glare, maintain privacy, and generally*
22 *enhance the appearance of the project; and*

23 *vi. Lighting: Designing and/or placing exterior lighting and glazing in order to avoid*
24 *excessive brightness or glare to adjacent properties and streets.*

25 11. The criterion is met. There is not an overconcentration of development on the site. The
26 surrounding uses have been developed or are zoned to be developed at a similar scale. The applicant
is proposing to retain the existing 2-story single family structure on Lot 1 and construct a total of
three (3) two-story townhome units. The structures would be evenly spaced across the site with
parking provided on each lot. The applicant is not proposing any loading or storage areas. The
applicant is providing for adequate pedestrian and vehicular circulation involving desirable transitions

1 and linkages as determined in Finding of Fact No. 6. The proposal will not create adverse view or
2 lighting impacts as determined in Finding of Fact No. 5.

3 **RMC 4-9-200(E)(3)(c): On-Site Impacts: Mitigation of impacts to the site, including:**

4 *i. Structure Placement: Provisions for privacy and noise reduction by building placement,*
5 *spacing and orientation;*

6 *ii. Structure Scale: Consideration of the scale of proposed structures in relation to natural*
7 *characteristics, views and vistas, site amenities, sunlight, prevailing winds, and pedestrian*
8 *and vehicle needs;*

9 *iii. Natural Features: Protection of the natural landscape by retaining existing vegetation*
10 *and soils, using topography to reduce undue cutting and filling, and limiting impervious*
11 *surfaces; and*

12 *iv. Landscaping: Use of landscaping to soften the appearance of parking areas, to provide*
13 *shade and privacy where needed, to define and enhance open spaces, and generally to*
14 *enhance the appearance of the project. Landscaping also includes the design and*
15 *protection of planting areas so that they are less susceptible to damage from vehicles or*
16 *pedestrian movements.*

17 12. The criterion is met. Privacy and noise reduction will be enhanced by the placing of the
18 townhomes behind the existing home and surrounding the town home with landscaping and trees as
19 shown in the landscaping plan, Ex. 19. As noted in Finding of Fact No. 5, the scale of the proposal
20 is compatible with surrounding development, as properties to the north and south are developed with
21 three story high density development. As determined in Finding of Fact No. 5, the applicant
22 adequately protects existing vegetation by exceeding applicable vegetation retention requirements.
23 The project would not impact steep slopes or result in extensive grading. The applicant estimates
24 earthwork quantities at approximately 2,715 cubic yards of cut material and approximately 1,123
25 cubic yards of fill material. As determined in Finding of Fact No. 5, the proposal provides for
26 adequate landscaping since it complies with applicable landscaping standards. The proposal provides
for adequate landscaping as determined in Finding of Fact No. 5.

19 **RMC 4-9-200(E)(3)(d): Access and Circulation: Safe and efficient access and circulation for**
20 **all users, including:**

21 *i. Location and Consolidation: Providing access points on side streets or frontage streets*
22 *rather than directly onto arterial streets and consolidation of ingress and egress points on*
23 *the site and, when feasible, with adjacent properties;*

24 *ii. Internal Circulation: Promoting safety and efficiency of the internal circulation system,*
25 *including the location, design and dimensions of vehicular and pedestrian access points,*
26 *drives, parking, turnarounds, walkways, bikeways, and emergency access ways;*

iii. Loading and Delivery: Separating loading and delivery areas from parking and
pedestrian areas;

iv. Transit and Bicycles: Providing transit, carpools and bicycle facilities and access; and

v. Pedestrians: Providing safe and attractive pedestrian connections between parking
areas, buildings, public sidewalks and adjacent properties.

1 13. The criterion is met. As determined in Finding of Fact No. 6, the proposal provides for adequate
2 access, circulation and bicycle facilities as required by the criterion above. No direct access to an
3 arterial street is proposed. No loading and delivery areas are proposed. The record does not support
any mitigation for transit or carpool facilities.

4 **RMC 4-9-200(E)(3)(e): *Open Space: Incorporating open spaces to serve as distinctive project focal***
5 ***points and to provide adequate areas for passive and active recreation by the occupants/users of the***
6 ***site.***

7 14. The criterion is met. The proposal provides for adequate open space as required by the criterion
above as determined in Finding of Fact No. 6.

8 **RMC 4-9-200(E)(3)(f): *Views and Public Access: When possible, providing view corridors to***
9 ***shorelines and Mt. Rainier, and incorporating public access to shorelines.***

10 15. The criterion is met. As determined in Finding of Fact No. 5, no view corridors to shorelines
11 or Mt. Rainier are adversely affected. No shorelines are in the vicinity for purposes of requiring
public access.

12 **RMC 4-9-200(E)(3)(g): *Natural Systems: Arranging project elements to protect existing natural***
13 ***systems where applicable.***

14 16. The criterion is met. Natural systems will not be adversely affected by the proposal as
15 determined in Finding of Fact No. 5.

16 **RMC 4-9-200(E)(3)(h): *Services and Infrastructure: Making available public services and***
17 ***facilities to accommodate the proposed use.***

18 17. The criterion is met. The project is served by adequate services and facilities as determined in
Finding of Fact No. 6.

19 **RMC 4-9-200(E)(3)(i): *Phasing: Including a detailed sequencing plan with development phases***
20 ***and estimated time frames, for phased projects.***

21 18. The project is not phased.

22 STREET STANDARD WAIVERS

23 **RMC 4-9-250(C)(2): *Authority for Waiver of Street Improvements. The administrator may***
24 ***grant waiver of street improvements subject to the determination that there is reasonable***
25 ***justification for such waiver.***

RMC 4-9-250(C)(5): Decision Criteria for Waivers of Street Improvements: Reasonable justification shall include but not be limited to the following:

- a. Required street improvements will alter an existing wetlands or stream, or have a negative impact on a shoreline's area.*
- b. Existing steep topography would make required street improvements infeasible.*
- c. Required street improvements would have a negative impact on other properties, such as restricting available access.*
- d. There are no similar improvements in the vicinity and there is little likelihood that the improvements will be needed or required in the next ten (10) years.*
- e. In no case shall a waiver be granted unless it is shown that there will be no detrimental effect on the public health, safety or welfare if the improvements are not installed, and that the improvements are not needed for current or future development.*

19. Frontage Improvement Waiver Request. The requested waiver for 108th Street frontage improvements identified in Finding of Fact No. 3 satisfies all applicable criteria for a street standard waiver. The waiver is justified under subsection (d) above, since the proposed frontage improvements are consistent with the connecting frontage to the south and north and there is no indication that the surrounding frontage will be redeveloped anytime in the next 10 years. In addition, the existing roadway allows the curb and gutter to remain in the same configuration as the surrounding street maintaining the functionality and safety of the street. The five-foot-wide sidewalk at this location meets the needs of the residents relying on this sidewalk for access to the greater neighborhood. A condition of approval will require that the improvements shall provide a minimum 8-foot wide planting strip on the backside of the sidewalk. The modified street improvements would meet the objectives of a safe and functional walkable environment with enhanced aesthetics through the planter strip and thus should have no detrimental effect on public health, safety or welfare.

STREET MODIFICATION

RMC 4-9-250(D)(2): Decision Criteria: Whenever there are practical difficulties involved in carrying out the provisions of this Title, the Department Administrator may grant modifications for individual cases provided he/she shall first find that a specific reason makes the strict letter of this Code impractical, that the intent and purpose of the governing land use designation of the Comprehensive Plan is met and that the modification is in conformity with the intent and purpose of this Code, and that such modification:

- a. Substantially implements the policy direction of the policies and objectives of the Comprehensive Plan Land Use Element and the Community Design Element and the proposed modification is the minimum adjustment necessary to implement these policies and objectives;*

1 *b. Will meet the objectives and safety, function, appearance, environmental protection and*
2 *maintainability intended by the Code requirements, based upon sound engineering judgment;*

3 *c. Will not be injurious to other property(ies) in the vicinity;*

4 *d. Conforms to the intent and purpose of the Code;*

5 *e. Can be shown to be justified and required for the use and situation intended; and*

6 *f. Will not create adverse impacts to other property(ies) in the vicinity.*

7
8 20. Shared Driveway Modification Request. Since the shared driveway doesn't meet all of the
9 requirements for a street waiver, the more general modification review standards apply. The record
10 contains no information on whether the requested modification meets criterion (b) above, establishing
11 whether the modification will meet the objectives and safety, function, appearance, environmental
12 protection and maintainability intended by the Code requirements, based upon sound engineering
13 judgment. It appears that the staff report erroneously copied the analysis of subsection a into its
14 analysis of subsection b. Since modifications can be approved administratively, the conditions of
15 approval require that the modification be processed administratively since there is insufficient
16 information in the administrative record to assess compliance with all applicable standards.

14 **V. DECISION**

15 The proposed rezone, preliminary short plat, site plan and 108 Ave SE street standard waiver are all
16 consistent with applicable code criteria as determined in the Conclusions of Law of this decision if
17 conditioned as recommended. The hearing examiner recommends that the City Council approve the
18 applications subject to the following conditions of approval:

- 18 1. The applicant shall provide a minimum 10-foot rear yard setback between the existing
19 home and the east property boundary line of Lot 1. A revised short plat plan shall be
20 submitted to and approved by the City of Renton Project Manager prior to construction
21 permit approval complying with RMC 4-2-110A.
- 22 2. The applicant shall provide a minimum of ten feet (10') of on-site landscaping along the
23 public street frontage of 108th Ave SE. A final detailed landscape plan shall be submitted
24 to and approved by the City of Renton Project Manager prior to construction permit
25 approval complying with RMC 4-4-070.
- 26 3. If the adjacent property owners do not grant the applicant permission to remove the off-
site trees, the project shall be redesigned to eliminate impacts on off-site trees. The project
re-design to eliminate impacts on adjacent trees shall be verified by an arborist and
reviewed for approval by the Current Planning Project Manager.


4. All pedestrian sidewalks and private entry sidewalks be constructed using concrete or a different type of material than the shared driveway. A revised site plan shall be submitted to, and approved by, the Current Planning Project Manager prior to issuance a construction permit.
5. The applicant shall dedicate approximately 15.5 feet (15'-6") of right-of-way along 108th Ave SE (subject to a final survey). A final detailed street cross-section must be submitted and approved by the Plan Review Project Manager prior to issuance a construction permit.
6. The applicant shall extend the shared driveway tract from 108th Ave SE to the west property line of eastern most parcel (Lot 4) to serve each proposed residential lot. An updated plat plan shall be submitted to and approved by the City of Renton Project Manager prior to issuance a construction permit.
7. The applicant shall remove the existing impervious driveway located at the northwest corner of the site and replace it with landscaping. Access to the existing single family home shall take access from the shared driveway tract. The new driveway cut shall be identified on the construction permit application, for review and approval by the Current Planning Project Manager.
8. Each new multi-family lot shall be limited to one joint use driveway with a single curb cut. A final detailed site plan must be submitted to, and approved by, the City of Renton Project Manager prior to issuance of a construction permit.
9. The applicant shall provide a revised site plan demonstrating compliance with the common open space standard of at least three hundred fifty (350) square feet per unit. The revised site plan and short plat shall be submitted to, and approved by, the Current Planning Project Manager prior to issuance a construction permit.
10. The applicant shall provide floor plans that identify adequate bicycle parking of one-half space per dwelling unit. A detailed floor plan shall be submitted to and approved by the City of Renton Project Manager prior to issuance a construction permit.
11. The applicant shall provide a lighting plan that adequately provides for public safety without casting excessive glare on adjacent properties; at the time of engineering permit review. Pedestrian scale and downlighting shall be used in all cases to assure safe pedestrian and vehicular movement, unless alternative pedestrian scale lighting has been approved administratively or is specifically listed as exempt from provisions located in RMC 4-4-075 Lighting, Exterior On-Site. The lighting plan shall be submitted at the time of construction permit review for review and approval by the City's Plan Reviewer.
12. The applicant shall submit building elevations that are consistent with the R-14 zoning designation and are compatible in relation to natural characteristics, views and vistas, site amenities, sunlight, prevailing winds, and pedestrian and vehicle needs. The building elevations shall be submitted at the time of construction permit review for review and approval by the City's Current Planning Project Manager.
13. The applicant shall create a Home Owners Association ("HOA") that maintains all improvements in the shared driveway tract, landscaping in the open space tract and any

1 and all other common improvements. A draft of the HOA documents shall be submitted to,
2 and approved by, the City of Renton Project Manager and the City Attorney prior to Final
Plat recording. Such documents shall be recorded concurrently with the Final Plat.

3 14. The applicant shall be required to obtain a temporary construction easement for all work
4 conducted outside of the applicant's property. The temporary construction easement shall
be submitted to the City prior to any permits being issued.

5 15. The modification request to shared driveway length identified in Finding of Fact No. 3
6 shall be processed and decided upon administratively for the reasons identified in
Conclusion of Law No. 20.

7
8 DATED this 31st day of May, 2016.

9
10 
Phil A. Olbrechts

11 City of Renton Hearing Examiner

12
13 **VALUATION NOTICES**

14
15 Affected property owners may request a change in valuation for property tax purposes
16 notwithstanding any program of revaluation.